SFIREG OPP Updates

September 15, 2022 – November 29, 2022

September 15, 2022: EPA Awards Grants to Advance Smart, Sensible, and Sustainable Pest Control in Agriculture - Press Announcement

[HYPERLINK "https://www.epa.gov/newsreleases/epa-awards-grants-advance-smart-sensible-and-sustainable-pest-control-agriculture"]

EPA announced the selection of six recipients that would receive a total of $780,000 from the Pesticide Environmental Stewardship Program (PESP) grant competition. The selected grantees will explore the use of Integrated Pest Management (IPM) in agriculture over the course of two years to reduce the risk of pests and pesticides.

The grantees are:

- Oregon State University
- Purdue University
- University of Florida
- University of Tennessee
- University of Vermont
- West Virginia University

September 21, 2022: EPA Finalizes Revisions to Several Pesticide Crop Groupings

[HYPERLINK "https://www.epa.gov/pesticides/epa-finalizes-revisions-several-pesticide-crop-groupings"]

EPA released the sixth final rule in an ongoing series of revisions to the pesticide crop grouping regulations. In January 2022, EPA issued a proposed rule for public comment to improve several pesticide crop groupings. This final rule incorporates comments received on the proposed rule.

Crop groups are established when residue data for certain representative crops are used to establish pesticide tolerances for a group of crops that are botanically or taxonomically related. Crop grouping allows the results of pesticide residue studies for one crop to be applied to other, related crops within the group.

Based on petitions submitted to EPA by the IR-4 Project, EPA has taken a phased approach towards revising the current pesticide crop grouping regulations. The remaining groups to update and expand in the future are: Root and Tuber Vegetables (Groups 1 & 2), Cucurbit Vegetables (Group 9), Grass Animal Feeds (Group 17) and Nongrass Animal Feeds (Group 18).

September 23, 2022: EPA Takes Action to Protect Human Health and the Environment by Proposing Cancellation of Pentachloronitrobenzene

[HYPERLINK "https://www.epa.gov/pesticides/epa-takes-action-protect-human-health-and-environment-proposing-cancellation"]

EPA is releasing a proposed final decision for pentachloronitrobenzene (PCNB) that proposes cancelation of all registrations of this pesticide. PCNB is a fungicide that has been used to control plant diseases in both agricultural and non-agricultural settings.

The 2021 ecological risk assessment identified risks of concern to fish, amphibians, aquatic invertebrates, aquatic plants, birds, reptiles, mammals, and bees. It also identified PCNB persistence in the environment and bioaccumulation in the aquatic food chain. The 2021 draft human health risk assessment was based on adverse effects on the thyroid and identified potential non-cancer risks of concern from PCNB exposure. EPA is proposing to cancel all registrations of PCNB because of these significant ecological and human health risks posed by PCNB and limited benefits from the current uses of PCNB.

Public comments will be accepted for 60 days. The comment period closed on November 22, 2022.

September 23, 2022: EPA Withdraws Glyphosate Interim Decision

[HYPERLINK "https://www.epa.gov/pesticides/epa-withdraws-glyphosate-interim-decision"]

EPA announced its withdrawal of all remaining portions of the interim registration review decision for glyphosate. Pesticide products containing glyphosate continue to remain on the market and be used according to the product label and are unaffected by this action.

On Feb. 3, 2020, EPA published the Glyphosate Interim Registration Review Decision (ID). However, in March of the same year, the glyphosate ID was challenged in the U.S. Court of Appeals for the Ninth Circuit. Petitioners challenged EPA's analysis of human health and ecological risk, the weighing of such risks against the benefits of glyphosate and the interim risk mitigation measures and alleged that EPA violated the Endangered Species Act (ESA).

On June 17, 2022, the U.S. Court of Appeals for the Ninth Circuit vacated the human health portion of the glyphosate ID and held that EPA's registration review decision under FIFRA was an 'action' that triggered ESA obligations. EPA has determined that withdrawal of the glyphosate ID is appropriate in consideration of the Ninth Circuit's June 17, 2022, decision.

September 26, 2022: Pesticide Registration Review Deadline: Status Update and Plans for Remaining Work

[HYPERLINK "https://www.epa.gov/pesticides/pesticide-registration-review-deadline-status-update-and-plans-remaining-work"]

EPA shared an update on its progress in meeting the Oct. 1, 2022, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) pesticide registration review deadline for the 726 pesticide cases registered before October 2007.

In 2007, an amendment to FIFRA formalized a requirement that EPA review each registered pesticide every 15 years to determine whether pesticides continue to meet the standard for registration. This amendment set the first registration review deadline as Oct. 1, 2022. There are 726 conventional, biopesticide and antimicrobial pesticide cases that were registered before Oct. 1, 2007.

In the past 15 years, EPA has:

- Completed 685 draft risk assessments
- Issued 431 interim decisions
- Issued 151 final decisions
- Of the 582 interim or final decisions, 140 cases resulted in cancellations of some or all uses

---

September 28, 2022: EPA Responds to Treated Seed Petition

[HYPERLINK "https://www.epa.gov/pesticides/epa-responds-treated-seed-petition"]

EPA issued a response to a petition filed by the Center for Food Safety (CFS) with and on behalf of beekeeper, farmer, and public interest groups. The petition filed by CFS claims that EPA did not adequately assess the risks from use of seed treatment pesticides that have systemic properties and use of the seed treated by such pesticides. The petition also claims that the treated article exemption may not cover treated seed without an adequate assessment of the risks.

EPA explains in its response that it does fully assess both the use of the treating pesticide and the treated seed and impacts to human health and the environment. Also, that the treated article exemption regulatory text appropriately covers any seed treated if it meets specific regulatory conditions.

EPA does not agree with the petition claims as to the treated article exemption and thus is not granting the petition requests to either interpret or amend the regulatory text for the exemption to categorically exclude seed treated with systemic pesticides from the exemption.

September 29, 2022: EPA Updates Aquatic Life Benchmarks for Registered Pesticides and Antimicrobial Chemicals

[HYPERLINK "https://www.epa.gov/pesticides/epa-updates-aquatic-life-benchmarks-registered-pesticides-and-antimicrobial-chemicals"]

EPA, in collaboration with the California Department of Pesticide Regulation and the U.S. Geological Survey, released an updated version of the Aquatic Life Benchmarks. These benchmarks are estimates of the concentrations below which pesticides are not expected to present a risk of concern for freshwater organisms.

The updated Aquatic Life Benchmarks represent 759 chemicals, including newly registered pesticides or new values for previously registered pesticides and selected degradates. The updates include:

- Benchmarks for 27 new chemicals
- Additional benchmarks for 10 degradates of chemicals with existing benchmarks.
- Revised benchmarks for 72 existing chemicals

September 30, 2022: EPA Proposes Early Mitigation to Help Protect Endangered Species from Methomyl

[HYPERLINK "https://www.epa.gov/pesticides/epa-proposes-early-mitigation-help-protect-endangered-species-methomyl"]

In line with the Agency's commitment to improve outcomes for all federally threatened and endangered (listed) species, EPA proposed revisions to the 2020 Proposed Interim Decision (PID) for methomyl, a type of insecticide.

In 2020, EPA released a PID for methomyl that proposed mitigation measures to ensure that use of methomyl products will not result in unreasonable adverse effects on the environment, consistent with EPA's obligations under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Following the release of the PID, the Agency released the Biological Evaluation (BE) for methomyl. EPA used the BE to identify three "pilot" species that are likely to be adversely affected by methomyl use. To mitigate potential risks to these species, the Agency developed mitigation measures that are expected to reduce their exposure to methomyl and their likelihood of being adversely affected. The revised PID represents the next step in the registration review process for methomyl.

Public comments will be accepted for 60 days. The comment period closes on December 5, 2022.

October 6, 2022: EPA Registers Air Sanitizer for Residential and Commercial Use Against Influenza and Coronavirus

[HYPERLINK "https://www.epa.gov/pesticides/epa-registers-air-sanitizer-residential-and-commercial-use-against-influenza-and"]

EPA registered Lysol Air Sanitizer, a new pesticide product that can be used in the air against bacteria and viruses such as influenza and coronaviruses. This is the first antimicrobial product registered that is effective for use in air that can kill both bacteria and viruses.

EPA conducted a robust risk assessment on exposure from both household and commercial use. When used following label directions, this product poses no unreasonable adverse risks to human health or the environment.

In addition to the targeted bacteria, this product has been tested against a surrogate virus, and is expected to be effective against similar airborne viruses such as SARS-CoV-2.

October 7, 2022: EPA Releases Test Methods and Guidance for Long-Lasting Antimicrobial Efficacy Claims

[HYPERLINK "https://www.epa.gov/pesticides/epa-releases-test-methods-and-guidance-long-lasting-antimicrobial-efficacy-claims"]

EPA issued finalized guidance and test methods for registering antimicrobial products with residual efficacy against viruses and bacteria. The benefit to these products is that surfaces treated with residual antimicrobial products kill pathogens that come into contact with the surface days, weeks or years after the product is applied.

In October 2020, EPA issued interim guidance and test methods for public comment as a pathway for companies to add claims of residual efficacy to their products' labels. In finalizing the guidance, EPA made minor modifications to better represent the real-world conditions under which products with residual efficacy will be used.

October 12, 2022: EPA Responds to Petition and Releases Revised Human Health Risk Assessment for Tetrachlorvinphos

[HYPERLINK "https://www.epa.gov/pesticides/epa-responds-petition-and-releases-revised-human-health-risk-assessment"]

EPA released a revised human health risk assessment for the pesticide tetrachlorvinphos (TCVP) and its registered pet uses to control various insects including public health pests such as fleas, ticks, flies, lice, and pest larvae.

Having conducted an extensive evaluation of available data on TCVP's potential human health impacts, EPA finds that there are unacceptable risks from pet collars for children exposed when contacting pets wearing collars and is granting the petition as to pet collars containing TCVP.

EPA initially issued a denial of NRDC's petition to cancel all pet uses of TCVP in November 2014 based on the available data at the time. In January 2015, NRDC filed a petition for review of EPA's denial. On a Petition for Writ of Mandamus, the Ninth Circuit ordered EPA to respond to NRDC's petition by July 21, 2020, which EPA did by denying the petition.

Therefore, this action also responds to the Ninth Circuit U.S. Court of Appeals' vacatur of EPA's 2020 denial of NRDC's petition to cancel all pet uses of TCVP and remand to the Agency to issue a new response to NRDC's petition by October 11, 2022.

October 19, 2022: EPA Releases Updated Lists of Disinfectants for Emerging Viral Pathogens Including Ebola

[HYPERLINK "https://www.epa.gov/pesticides/epa-releases-updated-lists-disinfectants-emerging-viral-pathogens-including-ebola"]

EPA triggered its emerging viral pathogen (EVP) guidance in support of the Centers for Disease Control and Prevention's (CDC) response to the Ebola virus cases in western Uganda.

With EPA's EVP guidance, additional disinfectants, for which emerging viral pathogen claims have been approved, can be used against the Ebola virus. EPA developed its EVP guidance to facilitate the availability of EPA-registered disinfectants for use against emerging viral pathogens.

October 21, 2022: EPA Hosting Webinar on Protecting Species through Pesticide Registration Review

[HYPERLINK "https://www.epa.gov/pesticides/epa-hosting-webinar-protecting-species-through-pesticide-registration-review"]

EPA announced a Nov. 17, 2022, public webinar to share an update on efforts to better protect non-target species, including federally listed endangered and threatened (listed) species, from registered conventional pesticides.

This webinar is a follow-up to EPA's April 2022 Workplan outlining actions that will help EPA meet its obligations under the Endangered Species Act (ESA).

October 26, 2022: EPA Hosting Webinar on Protecting Species through Pesticide Registration Review

[HYPERLINK "https://www.epa.gov/pesticides/epa-hosting-webinar-protecting-species-through-pesticide-registration-review"]

EPA released its draft biological evaluation (BE) that contains the Agency's analysis of the potential effects of the fungicide inpyrfluxam on federally listed endangered and threatened (listed) species and their designated critical habitats.

While EPA found that inpyrfluxam is likely to adversely affect certain listed species and critical habitats, EPA did not predict that inpyrfluxam will lead to a future jeopardy or adverse modification finding for these species and habitats.

The draft BE is part of EPA's efforts to meet its obligations under the Endangered Species Act (ESA). EPA evaluated the effects of inpyrfluxam on over 1,700 listed species and over 800 designated critical habitats in the United States. The BE encompasses all currently proposed and registered uses and product labels for pesticide products containing inpyrfluxam.

After reviewing public comments on the draft BE, EPA will make any appropriate changes and issue a final BE. If EPA's final BE continues to find that inpyrfluxam is likely to adversely affect listed species and/or their designated critical habitats, then EPA will initiate formal consultation and share its findings with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service (the Services).

Public comments will be accepted for 60 days. The comment period will close on December 25, 2022.

October 27, 2022: EPA Provides Annual Notification of Updates to the Environmental Chemistry Methods Index for Monitoring Pesticide Residues

[HYPERLINK "https://www.epa.gov/pesticides/epa-provides-annual-notification-updates-environmental-chemistry-methods-index"]

EPA provided an annual summary of additions to the Environmental Chemistry Methods (ECM) Index made during FY 2022.

The ECM Index is a list which currently includes 889 analytical methods for monitoring pesticide residues, primarily in soil or water. In the past year, 24 new analytical methods have been added to the ECM Index, including three methods for a newly registered pesticide. The ECM reports listed in the ECM Index were submitted to EPA by pesticide registrants to support submitted field and monitoring studies, and potential monitoring by states, tribes and other entities.

EPA updates the ECM Index quarterly and as new chemicals are registered.

November 8, 2022: EPA Adds Chitosan to the List of Active Ingredients Eligible for Minimum Risk Pesticide Exemption

[HYPERLINK "https://www.epa.gov/pesticides/epa-adds-chitosan-list-active-ingredients-eligible-minimum-risk-pesticide-exemption"]

EPA finalized a rule adding chitosan (Poly-D-Glucosamine) to its minimum risk pesticide exemption list in response to an October 10, 2018, petition from Tidal Vision Products, LLC. In doing so, EPA is specifying that the listing also includes those chitosan salts that can be formed when chitosan is mixed with the acids that are listed as active or inert ingredients eligible for use in minimum risk pesticide products.

Chitosan is currently registered with EPA under FIFRA as a fungicide, antimicrobial agent, and plant growth regulator. Chitosan is currently widely available to the public for non-pesticidal uses, and has established applications in various industries including textiles, cosmetics, beverage processing, and water treatment.

The purpose of the exemption list is to eliminate the need for the Agency to expend significant resources to regulate products deemed to be of minimum risk to human health and the environment. Products that contain only those active and inert ingredients allowed by the exemption and meet certain Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) requirements are exempt from the normal FIFRA registration requirements. Approximately a decade has passed since a substance was added to the list of ingredients eligible for the minimum risk pesticide exemption.

November 16, 2022: EPA Advances Early Pesticides Protections for Endangered Species, Increases Regulatory Certainty for Agriculture

[HYPERLINK "https://www.epa.gov/pesticides/epa-advances-early-pesticides-protections-endangered-species-increases-regulatory"]

EPA released an Endangered Species Act (ESA) Workplan Update that outlines major steps to increase protections for wildlife and regulatory certainty for pesticide users. The Workplan Update details how EPA will pursue protections for nontarget species, including federally listed endangered and threatened (i.e., listed) species, earlier in the process for pesticide registration review and other Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) actions.

These early protections will help EPA comply with the ESA, thus reducing the Agency's legal vulnerability, providing farmers with more predictable access to pesticides, and simplifying the ESA-FIFRA process that, left unchanged, creates both significant litigation risk and a workload far exceeding what EPA has the resources to handle.

This update is a follow-up to EPA's April 2022 ESA Workplan that addresses the complexity of meeting its ESA obligations for thousands of FIFRA actions annually.

November 22, 2022: EPA Approves Stronger Plans for Certification of Pesticide Applicators

[HYPERLINK "https://www.epa.gov/pesticides/epa-approves-stronger-plans-certification-pesticide-applicators"]

EPA announced it had approved 13 state and federal agency certification plans that comply with the improved federal standards to enhance worker safety under the 2017 Certification of Pesticide Applicators (CPA) rule.

The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) requires authorities to have an EPA-approved plan to certify applicators of restricted use pesticides (RUPs). In 2017, EPA updated the CPA

regulations, setting stronger standards for people who apply RUPs. The implementation of revised certification programs is crucial to reducing potential RUP exposures to certified applicators and those working under their direct supervision, other workers, the public, and the environment.

State, territory and tribal authorities with existing plans can continue using those plans until November 4, 2023, consistent with EPA's recently issued extension. EPA is working closely with authorities to address challenges in revising their plans and will continue to approve plans on a rolling basis. After November 4, 2023, only authorities with EPA-approved modified certification plans can continue to certify applicators of RUPs.

November 29, 2022: EPA Proposes New Mitigation Measures for Rodenticides, Including Pilot for Protecting Endangered Species

[HYPERLINK "https://www.epa.gov/pesticides/epa-proposes-new-mitigation-measures-rodenticides-including-pilot-protecting-endangered"]

EPA proposed new measures to protect human health and the environment for 11 rodenticides, including measures to reduce potential exposures to three federal listed endangered and threatened ("listed" species and one critical habitat.

Rodenticides are used in residential, agricultural, and non-agricultural settings to control a variety of pests. These proposed interim decisions (PIDs) propose mitigation measures based on findings in the 2020 draft human health and ecological risk assessments (DRAs) and feedback submitted during the DRA's public comment period. These measures are intended to reduce exposure to non-target organisms such as mammals and birds that may inadvertently consumer rodenticides through their prey, or animals that may consume the rodenticide directly.

This work furthers the goals outlined in EPA's April 2022 Endangered Species Act (ESA) Workplan and one of the ESA pilots described in its November 22 update to provide practical, timely protections for listed species from pesticides. The ESA workplan described how EPA is developing early mitigation for a subset of species where EPA predicts a likelihood of a jeopardy or adverse modification finding for one or more of the registration review pilot pesticides if mitigation is not undertaken. One of these pilots is for rodenticides.

In addition to describing the pilot and the mitigation measures for the selected species, the PIDs also describe EPA's plans for expanding those mitigation measures to the other approximately 90 listed species potentially affected by rodenticides. EPA also intends to make effects determinations for all listed species available in a draft biological opinion (BE).

Public comments will be accepted for 75 days. The comment period will close on January 12, 2023.
